



STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF FLORENCE )  
 )  
 Barbara Powell, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 MUSC Florence and Otis Elevator )  
 Company, )  
 Defendant(s), )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 TWELFTH JUDICIAL CIRCUIT  
 CIVIL ACTION NO. 2021-CP-21-

AMENDED SUMMONS  
 (JURY TRIAL DEMANDED)

TO THE DEFENDANT(S) ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, of which a copy is hereby served upon you, and to serve a copy of your answer to the said Complaint on the subscribers at their offices at 403 Second Loop Road, Florence, South Carolina within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint and judgment by default will be rendered against you.

s/Patrick J. McLaughlin  
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September 23, 2021

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	TWELFTH JUDICIAL CIRCUIT
COUNTY OF FLORENCE	)	CIVIL ACTION NO. 2021-CP-21-
	)	
Barbara Powell,	)	
Plaintiff,	)	
	)	
vs.	)	<b>AMENDED COMPLAINT</b>
	)	<b>(JURY TRIAL DEMANDED)</b>
MUSC Florence and Otis Elevator	)	
Company,	)	
Defendant(s),	)	
_____	)	

The Plaintiff, Barbara R. Powell, by and through her undersigned counsel, hereby makes the following claims and allegations:

**JURISDICTION:**

1. That Plaintiff is a citizen and resident of the County of Florence, State of South Carolina.
2. That Plaintiff is informed and believes that, at all times relevant to this action, Defendant MUSC Florence (hereinafter "MUSC") was an entity organized and existing under the laws of the State of South Carolina and authorized to do business in the State of South Carolina, engaged in the business of medical care and/or hospitalization, management, supervision, design and maintenance of such facilities and other like businesses, and operating hospital facilities open to the public located at 805 Pamplico Hwy, Florence, South Carolina.
3. That, upon information and belief, Defendant Otis Elevator Company (hereinafter "OTIS") is a company organized and existing under the laws and of the State of New Jersey and that at all times herein had a principal place of business in the county of Florence, State of South Carolina (specifically, a manufacturing plant), was conducting business in the county of Florence, State of South Carolina, said business including the manufacturing and servicing of elevators.

4. That venue is properly laid in this Court pursuant to §15-7-30 South Carolina Code of Laws Annotated [Law. Co-op. 1976].

**FACTUAL ALLEGATIONS:**

5. That on or about August 21, 2019, Plaintiff was visiting her daughter who was a patient at MUSC.
6. That upon entering MUSC, Plaintiff attempted to enter into one of the elevators manufactured and/or serviced by Otis when she encountered a hazardous condition which caused her to trip and fall. Specifically, the hazardous condition was an uneven/raised elevator floor, which was not flush with the building floor.
7. That as a result of encountering the hazardous condition, the Plaintiff suffered injuries as hereinafter set out.

**FOR A FIRST CAUSE OF ACTION**  
**(Negligence/Gross Negligence: Premises Liability against Defendant MUSC)**

8. That Plaintiff re-alleges the above paragraphs by reference as if recounted at length herein.
9. That Plaintiff was an invitee on MUSC's premises.
10. That MUSC owed Plaintiff, as an invitee, a duty to maintain the premises in a reasonably safe condition.
11. That MUSC owed Plaintiff, as an invitee, a duty to use reasonable care to discover any risks on the premises and then either put the premises in a reasonably safe condition or warn Plaintiff of the risk.
12. That MUSC's actions and failures to act amount to a breach of said duties as well as negligence, carelessness, recklessness, gross negligence, and willful and wanton conduct in the following particulars, to wit:
- a. Creating an unsafe condition by failing to keep their elevators in a reasonably safe condition;

- b. Failing to remedy the unsafe condition that the Defendant knew or should have known existed;
  - c. Failure to warn Plaintiff of the unsafe condition of the elevator.
13. That as a direct and proximate result of MUSC's negligence, carelessness, recklessness, gross negligence, and willful and wanton conduct, Plaintiff has suffered injuries and damages as hereinafter set out.

**FOR A SECOND CAUSE OF ACTION**  
**(Negligence/Gross Negligence: Defendant OTIS)**

14. That Plaintiff re-alleges the above paragraphs by reference as if recounted at length herein.
15. That the injuries and damages sustained by Plaintiff were caused by the negligent, grossly negligent, careless, reckless, willful and wanton acts and/or omission of Defendant OTIS in one or more the following particulars:
- a. In causing or creating a hazardous condition;
  - b. In failing to remove and/or repair the hazardous condition;
  - c. In failing to have signs stating the existence of a hazardous condition;
  - d. In failing to properly manufacture, install, service, maintain, and inspect the elevator;
16. That as a direct and proximate result of Otis' negligence, carelessness, recklessness, gross negligence, and willful and wanton conduct, Plaintiff has suffered injuries and damages as hereinafter set out.

**DAMAGES**

17. That as a direct and proximate result of the above set out acts and omissions of Defendant(s); the Plaintiff was damaged in the following particulars:
- a. Actual and Consequential damages resulting from Personal Injury, to wit:
    - i. disability, past and future;



- ii. pain and suffering, past and future;
- iii. stress, anguish and anxiety, past and future;
- iv. medical costs, past and future;

b. Punitive damages in an amount to be determined by a jury.

WHEREFORE, Plaintiff prays judgment for actual and consequential damages as well as punitive damages against Defendant(s) MUSC and OTIS, in an amount to be determined by a jury, and for such other and further relief as the Court deems just and proper.

WUKELA LAW FIRM

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Florence, South Carolina  
September 23, 2021